

LAW OFFICES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
55 Cambridge Parkway
7th Floor
Cambridge, MA 02142

Telephone
617-452-1600

Facsimile
617-452-1666

FACSIMILE TRANSMITTAL

OFFICIAL

TO

Name: Christina Chen, Group Supervisor
Examining Unit 1644
Firm: U.S. Patent Office
Fax No.: 703-746-5030
Phone No.: 703-308-3973
Date: June 24, 2002
Subject: U.S. Patent Application No. 09/816,697

FROM

Name: Konstantin Linnik
Phone No.: 617-452-1626
Fax # Verified by:
Pages (incl. this):
Our File No.: 08702.0005-00000

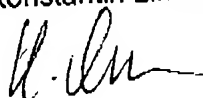
Confirmation Copy to Follow: NO

Message:

Dear Ms. Chen,

Pursuant to our phone conversation of June 19, 2002, I have attached a Response to Restriction Requirement along with a Petition to Accept Reply as Timely Filed for your consideration. Please do not hesitate to contact me should you have any questions.

Best regards,
Konstantin Linnik



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PATENT
Customer No. 22,852
Attorney Docket No. 08702.0005-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lorenz et al.

Serial No.: 09/816,697

Filed: March 23, 2001

For: A Novel P-Selectin Glycoprotein
Ligand (PSGL-1) Binding Protein
and Uses Therefor

)
)
) Group Art Unit: 1644

)
) Examiner: Phillip Gambel

CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence
is being transmitted by facsimile to the
Patent and Trademark Office on June 25, 2002.

By: 

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT AND REQUEST FOR ACCEPTANCE AS TIMELY FILED WITHOUT PAYMENT OF EXTENSION FEES

In an Office Action dated February 11, 2002, the Examiner required restriction
under 35 U.S.C. § 121 to one of the following Groups of claims:

Group I - Claims 1-12 and 22, drawn to an isolated nucleic acid, a vector
comprising the nucleic acid, a host cell transfected with the
expression vector, a method of producing polypeptide comprising
culturing the host cell, and a kit comprising a compound which
selectively hybridizes to the nucleic acid

Group II - Claims 13-15, drawn to an isolated polypeptide

Group III - Claims 16 and 19, drawn to an antibody which selectively binds the
polypeptide, and a kit comprising a compound which selectively
binds to the polypeptide

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FINNEGAN
HENDERSON
FARABOW
CARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.406.4000
Fax 202.406.4400
www.finnegan.com

- Group IV - Claims 17 and 18, drawn to a method for detecting the presence of the polypeptide
- Group V - Claims 20 and 21, drawn to a method for detecting the nucleic acid
- Group VI - Claims 23 and 24, drawn to a method for identifying compounds that bind the polypeptide
- Group VII - Claim 25, drawn to a method for modulating the polypeptide activity
- Group VIII - Claim 26, drawn to a method for identifying a compound that modulates the activity of the polypeptide

Applicants provisionally elect to prosecute Group VIII, claim 26, drawn to a method for identifying compounds that modulate PSGL binding polypeptides. Applicants traverse the restriction requirement with respect to Groups VI and VIII for the reasons set forth below.

Method claims in Groups VI and VIII require a step of contacting a test compound with a polypeptide of the invention. Because test compounds that bind to the polypeptide according to claims of Group VI are also expected to modulate properties/activity of the polypeptide as in claims of Group VIII, there would be no serious burden imposed on the examiner by examining Groups VI and VIII together.

Applicants request withdrawal of the restriction requirement as to claims of Groups VI and VIII.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

For the reasons stated in the accompanying Petition To Accept Response As Timely Filed, Applicants believe that this response is timely filed. Applicants request that this response be entered without payment of extension fees. However, in the event that Applicants' Petition is denied, please grant any necessary extension and charge any fee due to deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 25, 2002

By: Leslie A. McDonell
Leslie A. McDonell
Reg. No. 34,872

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com